

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

LUCILLE LILLY, Individually and as Administratrix
of the ESTATE OF CHARLES EDWARD ADDISON,

Plaintiff,

v.

DECISION AND ORDER
09-CV-132S

JOHNSON & JOHNSON, JANSSEN, L.P. a/k/a
JANSSEN PHARMACEUTICA PRODUCTS, L.P.,
and ALZA CORPORATION,

Defendants.

Presently before this Court is an Application to Settle filed by Plaintiff Lucille Lilly, Administratrix for the Estate of Charles Edward Addison, who has settled this case against Defendants. Because this action is brought on behalf of an estate, it cannot be settled without leave of this Court. See Local Rule 41.1(c).

This Court has considered Plaintiff's application and the papers filed in support thereof and finds that no hearing is required. This Court further finds that the proposed settlement is in the best interests of the estate and distributee. In so finding, this Court has considered (1) the circumstances giving rise to the claim, (2) the nature and extent of damages, (3) the terms of the settlement and amount of attorney's fees and other disbursements, (4) the circumstances of any other claims or settlements arising out of this same occurrence, and (5) Plaintiff's statement of why she believes this settlement is in the best interests of the estate and distributee. See Local Rule 41.1(c). Plaintiff's motion will therefore be granted and this settlement approved.

IT HEREBY IS ORDERED, that Plaintiff's Application to Settle (Docket No. 30) is GRANTED.

FURTHER, that the proposed settlement is APPROVED.

FURTHER, that this Court grants leave to settle this action in accordance with the terms set forth in the July 1, 2010 order of the Erie County Surrogate's Court, attached as Exhibit C to Plaintiff's Application to Settle (Docket No. 30-4).

FURTHER, that this action is dismissed with prejudice, with each party to bear its own costs and attorney's fees.

FURTHER, that the Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: September 22, 2010
Buffalo, New York

s/William M. Skretny
WILLIAM M. SKRETNY
Chief Judge
United States District Court